1 2 3 5 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA 6 7 FRED CHISOM, 8 Plaintiff. Case No. C04-5590FDB 9 v. ORDER ADOPTING REPORT AND 10 CLALLAM BAY SUPERINTENDENT, RECOMMENDATION AND DISMISSING CAUSE OF ACTION 11 Defendant. 12 The Magistrate Judge recommends that this cause of action be dismissed for lack of showing 13 Defendant's personal participation in the conduct complained of. Plaintiff contends that he was 14 denied shower and yard because of his dreadlocks. Plaintiff has filed objections in which he simply 15 asserts without support that Defendant did so participate in the complained of conduct. Plaintiff also 16 files a motion to allow him to rectify any deficiencies. The Magistrate Judge has already addressed 17 Plaintiff's attempt to amend. Defendant responds to the objections and the motion noting the recent 18 motion to amend on which the Magistrate Judge ruled and noting that no new arguments on the 19 Defendant's Motion for Summary Judgment have been raised. The Court agrees with the 20 Magistrate Judge's recommendation. ACCORDINGLY, 21 IT IS ORDERED: 22 1. The Court adopts the Report and Recommendation; 23 2. Defendant's Motion for Summary Judgment is GRANTED, and this cause of action is 24 DISMISSED with prejudice. 25

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3. The Clerk is directed to send copies of this order to the parties and to the Honorable J. Kelley Arnold. DATED this 6th day of February, 2006. UNITED STATES DISTRICT JUDGE

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